

IN THE SUPREME COURT OF THE STATE OF DELAWARE

MATTHEW J. GRANT, ¹)
) No. 128, 2010
Respondent Below,)
Appellant,) Court Below: Family Court
) of the State of Delaware in
v.) and for New Castle County
)
ASHLEY E. BROWN,) C.A. No. CN05-04680
)
Petitioner Below,)
Appellee.)

Submitted: October 6, 2010

Decided: November 3, 2010

Before **STEELE**, Chief Justice, **BERGER** and **RIDGELY**, Justices.

ORDER

This 3rd day of November 2010, it appears to the Court that:

(1) Matthew Grant appeals a Family Court property division order in which the judge valued the marital mortgage on the date the marital home sold. With this valuation, the Court reversed its earlier order, which used the mortgage value on the date Grant refinanced the mortgage. Grant argues the judge, in reversing course, abused her discretion, erred as a matter of law, and failed to make an adequate record of her reasons. We AFFIRM.

(2) Matthew Grant and Ashley Brown divorced on December 20, 2005. The Family Court retained jurisdiction for ancillary matters. Grant paid Brown

¹ A pseudonym assigned by this Court pursuant to Rule 7(d).

\$125,000, according to a private agreement, in return for her share of title to and control of their marital home when he refinanced its mortgage on January 31, 2006. Grant continued to live in the house. In 2007, the court ordered Grant to list the home for sale at \$920,000 and divide the proceeds 55% to Grant and 45% to Brown, discounted by the \$125,000 Grant had already paid Brown. The home finally sold in November 2008 for \$695,000. In her first order concerning distribution of the sale proceeds, on August 12, 2009, the trial judge determined that she would calculate Brown's net share on the basis of the mortgage balance as of the date Grant refinanced it. The trial judge also determined that Grant did not have to pay for the real estate commission and transfer taxes associated with the sale of the house because his employer paid them, so Grant should not receive credit for them in the disbursement calculations.

(3) Later, after granting Brown's motion for reargument, the Family Court entered a second order concerning distribution of the sale proceeds. In this new order, the trial judge partially reversed her previous order and determined that she would calculate Brown's net share on the basis of the mortgage balance as of the sale the house sold. Grant challenged this new order by filing a Motion to Correct Oversight or Omission. The trial judge denied and struck Grant's motion by order on February 3, 2010. Grant now appeals.

(4) We review Family Court orders on facts and law, as well as inferences and deductions the trial judge made.² We review factual determinations narrowly and will not disturb them unless they are clearly wrong.³ We will not disturb inferences or deductions that are the product of an orderly and logical deductive process and are supported by the record.⁴ If the trial judge has correctly applied the pertinent law, we review for abuse of discretion.⁵

(5) The Family Court has broad discretion in setting the date to value marital assets.⁶ Grant argues that the trial judge here abused this discretion. The order explains the reasoning for the change as follows:

[D]ue to the passage of 2+ years, the use of the actual sale price and the amortization of the mortgage to [the sale date] is most equitable. When the [original order] was issued, it was not expected that it would take until the end of 2008 before the house would be sold. [Grant] benefitted from the use of the house during those 2+ years.⁷

² *Wife, J.F.V. v. Husband, O.M.V., Jr.*, 402 A.2d 1202, 1204 (Del. 1979).

³ *Id.*

⁴ *Id.*

⁵ *Parson v. Parson*, 2002 WL 442399, at *1 (Del. Mar. 19, 2002) (ORDER).

⁶ *Mays v. Mays*, 1988 WL 141148, at *2 (Del. Nov. 23, 1988) (ORDER).

⁷ Op. Br. at 18.

This explanation demonstrates that the trial judge's most recent order was the "product of an orderly and logical deductive process."⁸ The trial judge properly exercised her broad discretion in valuing the marital home⁹ and did not abuse her discretion.

(6) Grant also argues that the trial judge erred as a matter of law by denying him credit in the property division for the relocation employment benefit that he received as a result of an employment contract he signed after the divorce. Specifically, he argues that the benefit was non-marital property not subject to the Family Court's equitable discretion to divide. In its first order concerning distribution of the home sale proceeds, the Family Court stated: "[A]llocation of [Grant's] employment benefits to the parties in accordance with the proportion of the sales proceeds received by each of them is equitable. [Grant] did not have to actually pay for the commission and taxes."¹⁰ Grant never actually received the relocation benefit. Rather, because his employer paid the real estate commission and taxes associated with the sale of the marital home, the relocation benefit increased the amount of sale proceeds that the trial judge could equitably distribute

⁸ *Wife, J.F.V.*, 402 A.2d at 1204.

⁹ *See Mays*, 1988 WL 141148, at *2.

¹⁰ Op. Br. at 16. ("[Grant's] employer paid the real estate commission and taxes.").

to Grant and Brown. The trial judge did not err as a matter of law in reaching this conclusion and equitably distributing the sale proceeds.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Family Court is **AFFIRMED**.

BY THE COURT:

/s/ Myron T. Steele
Chief Justice